



National Telecommunications and Information Administration
First Responder Network Authority

Further Proposed Interpretations of Parts of the Middle Class Tax Relief
and Job Creation Act of 2012

Docket ID: NTIA-2015-0002

PREPARED BY: VERMONT PUBLIC SAFETY BROADBAND NETWORK
COMMISSION

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The State Vermont is pleased to submit these comments in response to FirstNet's Public Notice of further proposed interpretations of parts of the Middle Class Tax Relief and Job Creation Act of 2012. Any referencing to Vermont in this document is intended to mean the Vermont Public Safety Broadband Network Commission. The following are Vermont's comments on the FirstNet Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012

III. Legal Scope Versus Discretion in Implementing the Definition of Public Safety Entity

Vermont agrees that given the finite nature of spectrum resources, discretion in determining the priority and selection of entities seeking access to the network is necessary to ensure the proper functioning of the network. Vermont believes that FirstNet's economic self-sustainability is important and will provide an overall benefit for public safety entities. Therefore, Vermont believes that FirstNet should exercise discretion as mentioned above but also should make determinations about public safety entity users in order to create an affordable broadband network for traditional public safety entities.

IV. Public Safety Entity Definition Overview

Vermont agrees that there should be a two prong test and concurs with the prong A and prong B interpretation. We believe that the interpretation that prong B users will be of a supplemental nature to prong A. This indicates an attempt will be made to categorize public safety entities. The challenge then becomes how do you establish priority use of the network between the two prongs and how do you establish user fees between the two prongs. Public safety entities will originate out of governmental, non-profit, and private sector communities. While they may be considered public safety entities they will all have different degrees of response to an emergency, day-to-day use, and /or planned events. Should a prong B user be excluded from any preemptive policy and pay the same user fee as a prong A user? Vermont believes they are different and different standards around use and fees should be developed by FirstNet.

V. Requirement To Provide Public Safety Services

Vermont believes that the public safety entity is the entire organization that manages public safety work. Therefore all members of that organization directly responsible for public safety response or not should be allowed to be users of the network. This assumes proper preemptive policies and user fees would apply to these non-traditional users. Vermont does not believe that an individual "per se" should be considered a user of the network. An individual must be affiliated with a public safety entity. Decisions regarding usage, costs and the failure to properly use the network or pay the costs must fall to an entity and the entity must be held accountable for misuse along with the individual.

Vermont supports the FirstNet definition of "emergency response providers" and "public safety entities". We also believe that "related" personnel should be broadly construed to allow for the greatest amount of participation.

Vermont agrees with the FirstNet's interpretation that an entire organization would not necessarily qualify as a public safety entity but that only sub-groups within an organization that provide public safety services should be given an opportunity to use this network. For example, a school, university, or college who has a safety department should be allowed to use the network but the use is only extended to that department. The use of the network should not be extended to the entire university. Likewise a large organization that has a division that is solely responsible for public safety response, should be allowed access but only to those members of that organization that provide public safety services and response. In order to determine proper user groups, FirstNet must put in place a standardized method to determine and certify that an entity meets the requirements in the two prong test.

It's in public safety's best interest to have as many users as possible on order to fund the infrastructure as long as preemption rules are in place, ensuring that traditional first responders always have access to this critical technology.

Vermont agrees with the FirstNet interpretation that a private utility workers that removes a live electrical wire touching a car at an accident scene is performing a service, of which the principal purpose is to protect the safety of life. Vermont agrees with FirstNet's interpretation that such a service is not one that is typically "commercially available." Vermont further agrees in the context of the Act, these services would qualify as public safety services, and therefore the workers providing such services would qualify as public safety entities as defined in the Act and allowed access to the network..

Vermont believes a governance structure in the states should be empowered to help manage the authorization of non-governmental public safety entity personnel and sub-groups access to the network. This management recognizes that traditional local and state public safety entities should refer request for access to the state level governance structure for consideration. This state level governance structure should have representation from governmental public safety entities in the state. The decision making process at the state governance level should be predicated on policies established by FirstNet. Vermont agrees with the example of the utility worker having access to the national public safety broadband network.

Respectfully submitted,

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